IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

LATTERS PATENT APPEAL NO.218 OF 2006
IN
WRIT PETITION NO.5449 OF 1990

Shri.Swami Vivekanand Shikshan Sanstha,
through its Secretary. ..Appellant.
Vs.
Annappa Jivappa Kamatagi and anr. ..Respondent.

Mr.P.D.Dalvi for the Appellant.
Mr.S.R.Shinde i/by Vinod Shah for the Respondent No.1.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 21st March, 2007

P.C.

1. Heard Mr.Dalvi.

2. The appointment of the respondent No.1 was against the reserved post and year to year basis. In the second year, since the reserved candidate was not available, the respondent No.1 was continued for the second year. However, the respondent No.1 was transferred during the second year without making an appointment of the reserved candidate in senior college and this fact has been observed by the Single Judge. The transfer of the respondent under these circumstances, is absolutely illegal and therefore, the order passed by the Single Judge is just and proper and requires no interference at the hands of this court. Therefore, this court refrains to entertain the appeal. Letters Patent Appeal is therefore, dismissed.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.288 OF 2006 IN LPA NO.218 OF 2006

Shri.Swami Vivekanand Shikshan Sanstha,
through its Secretary. ..Applicant.
Vs.
Annappa Jivappa Kamatagi and anr. ..Respondent.

Mr.P.D.Dalvi for the Applicant.
Mr.S.R.Shinde i/by Vinod Shah for the Respondent No.1.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 21st March, 2007

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1. In view of the dismissal of the Letters Patent Appeal, Civil Application is disposed of.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**